

SUMMONS - CIVIL

JD-CV-1 Rev. 2-13

C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

See page 2 for instructions

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☒ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE
STATE OF CONNECTICUT, you are hereby
commanded to make due and legal service of
this Summons and attached Complaint.

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| Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350) | | Telephone number of clerk (with area code) | Return Date (Must be a Tuesday) |
| 123 Hoyt Street, Stamford, CT 06905 | | (203) 965-5308 | April 16, 2013 |
| <input checked="" type="checkbox"/> Judicial District | G.A. Number: | At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) | Case type code (See list on page 2) |
| <input type="checkbox"/> Housing Session | | Stamford | Major: M Minor: 00 |

For the Plaintiff(s) please enter the appearance of:



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| Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) | Juris number (to be entered by attorney only) |
| City of Stamford Corporation Counsel, 888 Washington Blvd., Stamford, CT 06904 | 060795 |
| Telephone number (with area code) | Signature of Plaintiff (If self-represented) |
| (203) 977-4081 | |

Number of Plaintiffs: 4 Number of Defendants: 8 ☒ Form JD-CV-2 attached for additional parties

| Parties | Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA) | |
|----------------------|--|------|
| First Plaintiff | Name: City of Stamford Address: 888 Washington Blvd., Stamford, CT, 06904 | P-01 |
| Additional Plaintiff | Name: Conte, Antonio Address: 888 Washington Blvd., Stamford, CT, 06904 | P-02 |
| First Defendant | Name: Turn of River Fire Department, Inc. Address: 268 Turn of River Road, Stamford, CT 06905 | D-01 |
| Additional Defendant | Name: Long Ridge Fire Company, Inc. Address: 366 Old Long Ridge Road, Stamford, 06903 | D-02 |
| Additional Defendant | Name: Springdale Fire Company, Inc. Address: 987 Hope Street, Stamford, CT 06907 | D-03 |
| Additional Defendant | Name: Frank Jacobellis Address: 268 Turn of River Road, Stamford, CT 06905 | D-04 |

Notice to Each Defendant

1. YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

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| Signed (Sign and "X" proper box) | <input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk | Name of Person Signing at Left | Date signed |
|  | | Michael S. Toma | 3-12-13 |
| If this Summons is signed by a Clerk: | | | For Court Use Only |
| a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint. | | | File Date |
| I certify I have read and understand the above: | Signed (Self-Represented Plaintiff) | Date | |
| Name and address of person recognized to prosecute in the amount of \$250 | | | |
| Barbara L. Coughlan, 888 Washington Blvd, Stamford, CT | | | |
| Signed (Official taking recognizance; "X" proper box) | <input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk | Date | Docket Number |
|  | | 3/13/13 | |

JD-CV-2 Rev. 9-12

SUPERIOR COURT

City of Stamford

Turn of River Fire Department, Inc.

Name (Last, First, Middle Initial, if individual)

Address (Number, Street, Town and Zip Code)

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Callahan, Barry

888 Washington Blvd., Stamford, CT 06904

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Jankowski, Thaddeus

888 Washington Blvd., Stamford, CT 06904

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Name (Last, First, Middle Initial, if individual)

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Teitelbaum, Stuart

366 Old Long Ridge Road, Stamford, CT 06903

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Fahan, Shawn

987 Hope Street, Stamford, CT 06907

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Bernstein, Peter

268 Turn of River Road, Stamford, CT 06903

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Olive, Antonio, Jr.

366 Old Long Ridge Road, Stamford, CT 06903

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FOR COURT USE ONLY - File Date

Docket number

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| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
| CALLAHAN AND THADDEUS | : |
| JANKOWSKI | : |
| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH <u>13</u>, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

APPLICATION FOR EX PARTE TEMPORARY INJUNCTION

The plaintiffs in the above-entitled action, CITY OF STAMFORD, ANTONIO CONTE, BARRY CALLAHAN and THADDEUS JANKOWSKI, hereby make application, pursuant to §C.G.S. 52-471 *et seq.*, for an ex parte temporary injunction without bond and order to show cause, for the reasons set forth in the attached Verified Complaint, the allegations of which are incorporated herein by reference.

WHEREFORE, the plaintiffs respectfully request that the foregoing Application be granted and that the following orders issue forthwith:

1. A temporary injunction, without bond, ordering the Defendants TRFD, LRFC and SFCo to provide forthwith to Plaintiff Chief Antonio Conte rosters of their respective members showing

the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member.

2. A temporary injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with Plaintiff Antonio Conte's duly issued directives dated February 25, 2013 and attached hereto as Exhibit B.
3. A temporary injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives Plaintiff Antonio Conte, or any successor, may issue in the future in the exercise of his authority as Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.
4. A temporary injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Chief Antonio Conte, or any successor, from exercising his authority as the Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.
5. A temporary injunction, without bond, commanding the Defendants to abide by and comply with the Charter amendments of November 6, 2012, as they pertain to the fire service in the City of Stamford.
6. A temporary injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from

performing investigations into the cause and origin of fires and other emergency incidents in the volunteer fire service districts.

7. A temporary injunction, without bond, prohibiting and restraining the Defendants from performing investigations into the cause and origin of fires and other emergency incidents independently of Plaintiff Fire Marshal Barry Callahan (or any successor).
8. A temporary injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety and fire prevention code compliance inspections as mandated by state law, in the volunteer fire service districts.
9. A temporary injunction, without bond, prohibiting and restraining the Defendants from reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety and fire prevention code compliance inspections as mandated by state law, independently of Plaintiff Fire Marshal Barry Callahan (or any successor).
10. A temporary injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives pertaining to fire marshal services

that Plaintiff Fire Marshal Barry Callahan, or any successor, may issue in the exercise of his authority as Fire Marshal for the entire City of Stamford, including the volunteer fire service districts.

11. A temporary injunction, without bond, prohibiting and restraining the Defendants from otherwise interfering with or preventing Plaintiff Fire Marshal Barry Callahan, or any successor, from exercising his authority as the Fire Marshal of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.
12. A temporary injunction, without bond, commanding the Defendants to abide by and comply with the Charter amendments of November 6, 2012, as they pertain to the fire marshal function.
13. A temporary injunction, without bond, ordering the Defendants TRFD, LRFC and SFCo to provide forthwith to Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski rosters of their respective members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member.
14. A temporary injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski, or any successor, may issue in the future in the exercise

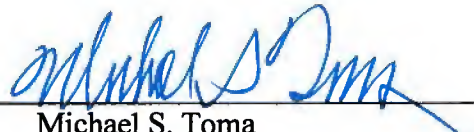
of his authority as said Director for the entire City of Stamford, including the volunteer fire service districts.

15. A temporary injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski, or any successor, from exercising his authority as said Director for the entire City of Stamford, including the volunteer fire service districts.
16. A temporary injunction, without bond, commanding the Defendants to abide by and comply with the Charter of the City of Stamford as it pertains to the authority of the Director of Public Safety, Health and Welfare over the fire service function.

THE PLAINTIFFS,

JOSEPH J. CAPALBO, II
DIRECTOR OF LEGAL AFFAIRS

BY



Michael S. Toma
Assistant Corporation Counsel
City of Stamford Law Department
888 Washington Boulevard
Stamford, CT 06904
Tel. (203) 977-5766
Juris No. 060795

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| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
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| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH <u>13</u>, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

VERIFIED COMPLAINT

First Count – Injunction Sought By City of Stamford and Antonio Conte

1. Plaintiff City of Stamford is a municipal corporation organized and existing under the laws of the State of Connecticut.
2. Plaintiff Antonio Conte is the duly appointed Fire Chief of the City of Stamford.
3. Plaintiff Barry Callahan is the duly appointed Fire Marshal of the City of Stamford.
4. Plaintiff Thaddeus Jankowski is the duly appointed Director of Public Safety, Health and Welfare of the City of Stamford.
5. Defendant Turn of River Fire Department, Inc. (hereinafter “TRFD”) is a private corporation which provides fire protection and emergency services within a certain geographic area of the

City of Stamford as indicated on a map of fire service districts dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City of Stamford.

6. Defendant Long Ridge Fire Company, Inc. (hereinafter “LRFC”) is a private corporation which provides fire protection and emergency services within a certain geographic area of the City of Stamford as indicated on a map of fire service districts dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City of Stamford.
7. Defendant Springdale Fire Company, Inc. (hereinafter “SFCo”) is a private corporation which provides fire protection and emergency services within a certain geographic area of the City of Stamford as indicated on a map of fire service districts dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City of Stamford.
8. Defendant Frank Jacobellis is the Chief of the Turn of River Fire Department, Inc.
9. Defendant Stuart Teitelbaum is the Chief of the Long Ridge Fire Company, Inc.
10. Defendant Shawn Fahan is the Chief of the Springdale Fire Company, Inc.
11. Defendant Antonio Olive, Jr. is the Fire Marshal of the Long Ridge Fire Company, Inc.
12. Defendant Peter Bernstein is the Fire Marshal of the Turn of River Fire Department, Inc.
13. Historically, and until November 6, 2012, fire protection, emergency response and code compliance services in the City of Stamford had been provided by both the Plaintiff City of Stamford’s Fire Department and five private volunteer fire departments, pursuant to the Charter

of the City of Stamford. These five volunteer fire departments are the Defendant Turn of River Fire Department, Inc., the Defendant Long Ridge Fire Company, Inc., the Defendant Springdale Fire Company, Inc., the Belltown Fire Department, Inc., and the New Hope Fire Department, Inc. d/b/a Glenbrook Fire Department.

14. Historically, and until November 6, 2012, the Charter of the City of Stamford provided that the City of Stamford's Fire Department provided fire protection, emergency response and code compliance services in the geographic area called the "City fire service district" as indicated on a map of fire service districts dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City of Stamford, while each of the five volunteer fire departments provided such services in their own respective fire service districts, which also are set forth on said map. The Charter granted the City of Stamford's fire department the authority to operate in the five volunteer fire service districts in the case of an emergency.
15. On November 6, 2012, the electorate of the City of Stamford voted to amend the Charter of the City of Stamford, regarding, among other things, the provision of fire protection, emergency response and code compliance services throughout the City of Stamford (hereinafter the "Charter amendments").
16. The duly and lawfully adopted Charter amendments became effective on December 6, 2012.

17. The Charter amendments combined the City of Stamford's fire department with the five volunteer fire departments into a single department for the City of Stamford (hereinafter the "Department"), such that the volunteer fire departments are no longer autonomous but instead fall under the administration, supervision and discipline of the Chief of the newly created Department. (A copy of the Charter amendments as they pertain to fire services is attached hereto and made a part hereof as "Exhibit A.")
18. One of the Charter amendments is §C5-40-3(a), which provides: "There shall be a Fire Department for the City of Stamford ('Department')."
19. Another of the Charter amendments is §C5-40-3(f), which provides in pertinent part: "The volunteer fire companies of Stamford shall be part of the Stamford Fire Department and will be important components of the Stamford Fire Department. . . . Nothing in this Charter shall be construed to affect the organization, status or property of the volunteer fire companies of Stamford except that they are now part of the combined Stamford Fire Department and subject to the provisions of this Charter."
20. Another of the Charter amendments is §C5-40-3(b), which provides in pertinent part: "The Chief of the Fire Department shall be responsible for: (1) the administration, supervision and discipline of the Fire Department. . . ."

21. The Charter amendments, including but not limited to the three above-referenced Charter provisions, §C5-40-3(a), §C5-40-3(f) and §C5-40-3(b), create one combined Department for the City of Stamford and make the five volunteer fire departments, including the Defendants Turn of River Fire Department, Inc., Long Ridge Fire Company, Inc., and Springdale Fire Company, Inc., part of the Department.
22. The Charter amendments, including but not limited to the three above-referenced Charter provisions, §C5-40-3(a), §C5-40-3(f) and §C5-40-3(b), create one combined Department for the City of Stamford and make the five volunteer fire departments, including the Defendants Turn of River Fire Department, Inc., Long Ridge Fire Company, Inc., and Springdale Fire Company, Inc., subject to the supervisory authority of the Chief of the Department.
23. On or about January 8, 2013, the Honorable Michael Pavia, as Mayor of Stamford, appointed Antonio Conte as the Chief of the Department.
24. On or about February 27, 2013, plaintiff Chief Conte issued directives dated February 25, 2013 (attached hereto as Exhibit B) to the Department setting forth certain fire protection and emergency response procedures to be followed by the Department, consistent with his authority to administer and supervise the Department, which authority emanates from the Charter amendments, §C5-40-3(b)(1), *et. seq.*
25. Chief Conte's directives are binding on the entire Department, including the defendants.

26. The defendants have not agreed to, and object to, the directives issued by plaintiff Chief Conte.
27. On Feb 27, 2013, Chief Conte received an e-mail from defendant Teitelbaum stating that he was reviewing the directives for conflicts with LRFC's standard operating procedures and for compliance with a collective bargaining agreement; there has been no further contact from Teitelbaum on this issue.
28. On or about March 4, 2013, a member of LRFC named Kevin Re verbally communicated to Chief Conte that the membership of LRFC had not been informed about the directives that Conte had issued on February 27, 2013.
29. On or about March 4, 2013, Chief Conte was verbally informed by a member of TRFD that it objected to Section 2.4 of the directives, and no indication was given that TRFD would comply with any other section of the directives.
30. Chief Conte has received no communication whatsoever from SFCo relating to the directives.
31. Upon information and belief, none of the defendants has taken any steps to implement or otherwise follow any of the directives.
32. Additionally, Chief Conte's directives which are dated February 25, 2013 and were issued on or about February 27, 2013 require all volunteer fire companies to provide a roster of members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member, but

defendants TRFD, LRFC and SFCo have failed to produce the roster, with the result that Chief Conte is unaware of the qualifications and competencies of the fire fighters of said defendant volunteer companies, which adversely affects the public safety and welfare by impairing Chief Conte's ability to supervise and administer the fire protection function in the City of Stamford.

33. Without a roster of qualifications and certifications of the members of TRFD, LRFC and SFCo, Chief Conte is unable to determine whether the fire fighting and emergency response units on duty at any given time in these volunteer fire service districts meet necessary standards.
34. In addition, the defendants TRFD, LRFC and SFCo have stated in a verified complaint against the City of Stamford (FST-CV-13-6016962) seeking injunctive and declaratory relief, at paragraph 35 of said complaint, that they object to "being placed under the supervision, direction, administration, control and/or discipline of [Chief Conte]."
35. Plaintiff Chief Conte has been irreparably harmed by the refusal of the defendants to accept and comply with his directives, in that he is unable to carry out his legal duties and exercise his legal authority as the Chief of the Department, and this harm is likely to continue if not enjoined by court order.
36. More particularly, Plaintiff Chief Conte is irreparably harmed by the refusal of the defendants to accept and comply with his directives, in that he is unable to achieve the important objectives of the Charter amendments, including but not limited to the establishment of a clearly defined

chain of command for service calls in every fire service district in the City; ensuring that all firefighters meet all applicable training and certification standards; ensuring timely and adequately staffed responses to fires and other emergencies in every fire service district in the City; ensuring timely and adequate investigations into the cause and origin of fire incidents while avoiding confusion and/or disagreements over which Fire Marshal is authorized to conduct said investigations, which confusion and/or disagreements imperil both the safety of the public as well as the safety of the members of the Department; the standardization of operating policies and procedures; and otherwise providing consistent, uniform, accountable and cost effective service throughout the City.

37. Plaintiff Chief Conte is additionally harmed in that the Charter amendments place the legal responsibility for performing the fire protection function in the TRFD, LRFD and SFCo fire service districts squarely on Chief Conte, and therefore the potential legal liability for failure to satisfactorily perform the fire protection function in the TRFD, LRFD and SFCo fire service districts falls squarely on Chief Conte, yet the defendants are preventing Conte from administering and supervising the fire protection function in the TRFD, LRFD and SFCo fire service districts.

38. The Plaintiff City of Stamford is irreparably harmed, because its official, Fire Chief Conte, is irreparably harmed as set forth above, and said harm will continue if such willful disregard of Chief Conte's directives is not enjoined.
39. Plaintiff City of Stamford, being a governmental entity, also has a governmental interest in seeing that the Charter amendments, which were a legislative act of the electorate, are effectuated, and the acts of defendants as set forth above severely and irreparably impair said interest.
40. Section C1-60-1 of the Charter of the City of Stamford provides: "Any court of equity may, in an action instituted by the City, issue injunctions, either temporary or final, restraining the violation of or directing compliance with any ordinance or provision of this Charter."
41. The defendants' disregard of Chief Conte's directives also adversely affects the public welfare, which harm will continue without injunctive relief.
42. The Plaintiffs have no adequate remedy at law.
43. Plaintiffs City of Stamford and Chief Conte seek injunctive relief as more particularly described in the prayer for relief.

Count Two - Injunction Sought By City of Stamford and Barry Callahan

44. The plaintiffs repeat and re-allege paragraphs “1” through “43” above as if set forth at length herein.
45. Among the Charter amendments is §C5-40-3(e), which provides: “There shall be a Fire Marshal of the Fire Department who shall be certified by the State Fire Marshal and who shall be appointed by the Fire Commission in accordance with the provisions of this Charter. The Fire Marshal shall have all the powers conferred by ordinance on a local Fire Marshal or by the General Statutes.”
46. On or about January 8th, 2013, pursuant to the above-referenced §C5-40-3(e) of the Charter amendments, the Fire Commission of the City of Stamford appointed Plaintiff Barry Callahan as the Fire Marshal for the Department.
47. By operation of §C5-40-3(e) of the Charter amendments, Plaintiff Barry Callahan, as the Fire Marshal for the Department, is the duly appointed Fire Marshal for the entire City of Stamford, including all of the volunteer fire service districts, and he is authorized by law to exercise the powers of his office in all of the volunteer fire service districts, including but not limited to the power to investigate the cause and origin of fires, the power to inspect buildings and structures for compliance with fire safety and related codes, and the power to sign off on permit applications relating to the use of buildings and structures.

48. Notwithstanding Plaintiff Barry Callahan's appointment as the Fire Marshal for the Department, the defendants TRFD, LRFC, Jacobellis, Teitelbaum, Bernstein and Olive have refused to recognize him as such, and have prevented him from exercising his authority and from fulfilling his responsibilities as the Fire Marshal in their respective volunteer fire service districts.
49. Specifically, on January 4, 2013, a designee of Plaintiff Callahan, Deputy Fire Marshal Jerome Whitaker, responded to 88 Barnes Road, which is in the Turn of River fire service district, to investigate the cause and origin of a fire, where he was informed that a Deputy Fire Marshal from the TRFD who was already on the scene was claiming exclusive jurisdiction over the incident and did not want a fire marshal from the "City" Fire Department to enter the building.
50. Upon information and belief, the above-referenced incident at 88 Barnes Road led the State's Attorney for the Stamford Geographical Area, David Cohen, to hold a meeting to discuss who is authorized to conduct cause and origin investigations since the passage of the Charter amendments. At this meeting, which was held on February 1, 2013, Assistant Chief of the TRFD Maounis, defendant Teitelbaum, and defendant Olive stated that the volunteer fire marshals would continue to exercise jurisdiction in the TRFD and LRFC fire service districts notwithstanding the passage of the Charter amendments.

51. In addition, the defendants TRFD, LRFC, Teitelbaum, Bernstein and Olive have filed in Stamford Superior Court a verified complaint against the City of Stamford (FST-CV-13-6016962) seeking injunctive and declaratory relief wherein they state, at paragraphs 63 and 64 of said complaint, that the Charter amendments violate the rights of defendants TRFD and LRFC to appoint their own fire marshals, and violate the rights of their current fire marshals to serve as local fire marshals.
52. In addition, legal counsel for the defendants wrote to counsel for the Plaintiffs on or about January 30, 2013 and stated that the defendants “do not accept the claimed appointment of [Plaintiff] Callahan as City-wide Fire Marshal.” (E-mail dated January 30, 2013 from Mark Kovack, Esq., attached hereto as Exhibit C)
53. In addition, on February 26, 2013, defendant Jacobellis, as Chief of the defendant TRFD, wrote to the City of Stamford’s Chief Building Official demanding that all building permit applications relating to structures in TRFD’s fire service district be sent to defendant Bernstein, the TRFD Fire Marshal, for review and approval, a demand which contravenes the Charter amendments, at §C5-40-3(e), which provide for one Fire Marshal for the entire City of Stamford.
54. The actions of defendants TRFD, Jacobellis and/or Bernstein, in preventing plaintiff Callahan from exercising his authority and from fulfilling his responsibilities as the Fire Marshal in

TRFD's fire service district, pose a serious threat to public safety, because the public safety requires that the cause and origin of fires be quickly and professionally investigated, yet as of February 19, 2013, the TRFD Fire Marshal failed to respond to and investigate three out of the last five fire incidents in TRFD's fire service district.

55. The actions of defendants TRFD, Jacobellis and/or Bernstein, in preventing Plaintiff Callahan from exercising his authority and from fulfilling his responsibilities as the Fire Marshal in the TRFD fire service district, pose a serious threat to the public welfare, because effective prosecution of crimes requires that the cause and origin of fires be quickly and professionally investigated, yet as of February 19, 2013, the TRFD Fire Marshal failed to respond to and investigate three out of the last five fire incidents in TRFD's fire service district.
56. On or about November 28, 2012, a fire incident involving a wax fire occurred at 1100 High Ridge Road, Stamford, at the Noelle Spa, which is in TRFD's fire service district. No TRFD Fire Marshal responded to perform an investigation of the incident.
57. On or about December 21, 2012, a fire incident involving a candle that had tipped over and filled an unoccupied home with smoke and soot occurred at 26 Skyline Lane, Stamford, which is in TRFD's fire service district. No TRFD Fire Marshal responded to perform an investigation of the incident.

58. Notwithstanding the legal requirement that a Fire Marshal investigate a fire incident, and notwithstanding defendant Bernstein's unavailability to investigate the incident at 26 Skyline Lane on December 21, 2012, defendant Jacobellis, Chief of Defendant TRFD, telephoned a City Fire Department supervisor and told him to cancel the response of Assistant Fire Marshal Charles Spaulding from the City Fire Department who was en route to the incident because, Jacobellis said, it was "illegal" for a fire marshal from the City Fire Department to respond to calls in TRFD's fire service district.
59. On or about January 24, 2013, an emergency incident involving an uncontrolled flow of water rendering a sprinkler alarm system inoperable in a strip plaza and requiring extensive salvage operations occurred at 970 High Ridge Road, Stamford, which is in TRFD's fire service district. No TRFD Fire Marshal responded to perform an investigation of the incident.
60. Plaintiff Callahan has been irreparably harmed by the refusal of the defendants TRFD, LRFC, Jacobellis, Teitelbaum, Bernstein and Olive to recognize him as the Fire Marshal for the entire City of Stamford, in that he is unable to carry out his legal duties and exercise his legal authority as a Fire Marshal in TRFD's and LRFC's fire service districts, and this harm is likely to continue if not enjoined by court order.
61. More particularly, Plaintiff Callahan is irreparably harmed by the refusal of the defendants TRFD, LRFC, Jacobellis, Teitelbaum, Bernstein and Olive to recognize him as the Fire Marshal

for the entire City of Stamford, in that Callahan is unable to achieve important objectives of the Charter amendments, including but not limited to: the standardization throughout the entire City of Stamford of operating policies and procedures for the fire marshal function; ensuring timely and adequate responses to fires and other emergencies in the Turn of River and Long Ridge fire service districts while avoiding confusion and/or disagreement over which fire marshal is authorized to conduct investigations, which confusion and/or disagreements imperil both the safety of the public as well as the safety of emergency responders.

62. Plaintiff Callahan is additionally harmed in that the Charter amendments place the legal responsibility for performing the fire marshal function in TRFD's and LRFC's fire service districts squarely on Callahan, and therefore the potential legal liability for failure to satisfactorily perform the fire marshal function in TRFD's and LRFC's fire service districts falls squarely on Callahan, yet defendants TRFD, LRFC, Jacobellis, Teitelbaum, Bernstein and Olive are preventing Callahan from performing the fire marshal function in TRFD's and LRFC's fire service districts.
63. The Plaintiff City of Stamford is irreparably harmed because its official, Fire Marshal Callahan, is irreparably harmed as set forth above, and said harm will continue if such willful disregard of Callahan's authority is not enjoined.

64. Plaintiff City of Stamford, being a governmental entity, also has a governmental interest in seeing that the Charter amendments, which were a legislative act of the electorate, are effectuated, and the acts of defendants as set forth above severely and irreparably impair said interest.
65. Section C1-60-1 of the Charter of the City of Stamford provides: “Any court of equity may, in an action instituted by the City, issue injunctions, either temporary or final, restraining the violation of or directing compliance with any ordinance or provision of this Charter.”
66. The defendants’ refusal, as set forth above, to recognize and accept Plaintiff Callahan as the Fire Marshal for the entire City of Stamford also adversely affects the public welfare, which harm will continue without injunctive relief.
67. The Plaintiffs City of Stamford and Callahan have no adequate remedy at law.
68. Plaintiffs City of Stamford and Callahan seek injunctive relief as more particularly described in the prayer for relief.

Count Three – Injunction Sought By City of Stamford and Thaddeus Jankowski

69. Plaintiff Jankowski, as the Director of Public Safety, Health and Welfare for the City of Stamford, has responsibilities enumerated in §C5-40-1 of the City’s Charter, which

responsibilities include, as to the fire service, the administration, supervision and performance of all municipal functions related to fire and emergency management, with the concomitant responsibility for supervising the activities of the Fire Chief; additionally, said Charter section provides that Jankowski “shall be responsible for the functions of the Fire Department.”

70. Consistent with his Charter-based responsibilities, Jankowski has attempted to bring about the integration of the City’s five volunteer fire companies into the City’s Fire Department, as intended by the Charter amendments, but the defendants have rebuffed his efforts.
71. Plaintiff Jankowski held at least four meetings with the Chiefs of the volunteer fire companies during November and December of 2012 to collaborate on a unified approach to the fire service throughout the City of Stamford, as intended by the Charter amendments.
72. On or about December 22, 2012, Plaintiff Jankowski issued directives, attached hereto as Exhibit D, to the Department setting forth certain fire protection and emergency response procedures to be followed by the Department, consistent with his Charter-based responsibility for the functions of the Department, found at §C5-40-1.
73. Plaintiff Jankowski’s directives have as their goal the implementation of procedures that will most effectively protect the safety of the public and of the firefighters.
74. Plaintiff Jankowski’s directives are binding on the entire Department, including the defendants.

75. The defendants did not agree to, and have objected to, the directives issued by Plaintiff Jankowski.
76. On December 23, 2012, as well as on December 24, 2012 and January 4, 2013, the defendants, through their attorney, have repeatedly indicated their refusal to abide by and comply with Jankowski's directives.
77. Additionally, Plaintiff Jankowski's directives which were issued on or about December 22, 2012 require all volunteer fire companies to provide a roster of members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member, but defendants TRFD, LRFC and SFCo have failed to produce the roster, with the result that Plaintiff Jankowski is unaware of the qualifications and competencies of the fire fighters of said defendant volunteer companies, which adversely affects the public safety and welfare by impairing Jankowski's ability to supervise and administer the fire protection function in the City of Stamford.
78. Without a roster of qualifications and certifications of the members of TRFD, LRFC and SFCo, Jankowski is unable to determine whether the fire fighting and emergency response units on duty at any given time in these volunteer fire service districts meet necessary standards.
79. In addition, the defendants TRFD, LRFC and SFCo have named Jankowski as a defendant in a verified complaint against the City of Stamford (FST-CV-13-6016962) seeking injunctive and

declaratory relief, and have alleged, at paragraph 46 of said complaint, that the Charter does not empower Jankowski to direct how the volunteer fire departments shall respond to emergency scenes within their respective fire service districts.

80. Plaintiff Jankowski has been irreparably harmed by the refusal of the defendants to accept and comply with his directives, in that he is unable to carry out his legal duties and exercise his legal authority as the Director of Public Health, Safety and Welfare, and this harm is likely to continue if not enjoined by court order.

81. More particularly, Plaintiff Jankowski is irreparably harmed by the refusal of the defendants to accept and comply with his directives, in that he is unable to achieve the important objectives of the Charter amendments, including but not limited to the establishment of a clearly defined chain of command for service calls in every fire service district in the City; ensuring that all firefighters meet all applicable training and certification standards; ensuring timely and adequately staffed responses to fires and other emergencies in every fire service district in the City; ensuring safe and accountable responses to fires and other emergencies so as to protect the safety of the public and of the firefighters; ensuring timely and adequate investigations into the cause and origin of fire incidents while avoiding confusion and/or disagreements over which fire marshal is authorized to conduct said investigations, which confusion and/or disagreements imperil both the safety of the public as well as the safety of the members of the Department; the

standardization of operating policies and procedures; and otherwise providing consistent, uniform, accountable and cost effective service throughout the City.

82. Plaintiff Jankowski is additionally harmed in that the Charter amendments place the legal responsibility for administering the fire protection function in the TRFD, LRFD and SFCo fire service districts squarely on Jankowski, and therefore the potential legal liability for failure to satisfactorily administer the fire protection function in the TRFD, LRFD and SFCo fire service districts falls squarely on Jankowski, yet the defendants are preventing Jankowski from administering the fire protection function in the TRFD, LRFD and SFCo fire service districts.
83. The Plaintiff City of Stamford is irreparably harmed, because its official, Director Jankowski, is irreparably harmed as set forth above, and said harm will continue if such willful disregard of Jankowski's directives is not enjoined.
84. Plaintiff City of Stamford, being a governmental entity, also has a governmental interest in seeing that the Charter amendments, which were a legislative act of the electorate, are effectuated, and the acts of defendants as set forth above severely and irreparably impair said interest.
85. Section C1-60-1 of the Charter of the City of Stamford provides: "Any court of equity may, in an action instituted by the City, issue injunctions, either temporary or final, restraining the violation of or directing compliance with any ordinance or provision of this Charter."

86. The defendants' disregard of Jankowski's directives also adversely affects the public welfare, which harm will continue without injunctive relief.
87. The Plaintiffs have no adequate remedy at law.
88. Plaintiffs City of Stamford and Jankowski seek injunctive relief as more particularly described in the prayer for relief.

Count Four – Declaratory Judgment

89. The plaintiffs repeat and re-allege paragraphs "1" through "82" above as if set forth at length herein.
90. By virtue of the foregoing, the Plaintiffs have an interest, legal and equitable, by reason of danger of loss or of uncertainty as to the parties' rights or other jural relations.
91. There is an actual bona fide and substantial question or issue in dispute or substantial uncertainty of legal relations which requires settlement between the parties.
92. All persons who have an interest in the subject matter of the requested declaratory judgment that is direct, immediate and adverse to the interest of one or more of the Plaintiffs or Defendants in the action have been made parties to the action or have been or will be given reasonable notice thereof per the certificate attached hereto.

PRAAYER FOR RELIEF:

WHEREFORE, the Plaintiffs respectfully claim:

As to the First Count:

1. A temporary and permanent injunction, without bond, ordering the Defendants TRFD, LRFC and SFCo to provide forthwith to Plaintiff Chief Antonio Conte rosters of their respective members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member.
2. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with Plaintiff Antonio Conte's duly issued directives dated February 25, 2013 and attached hereto as Exhibit B.
3. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives Plaintiff Antonio Conte, or any successor, may issue in the future in the exercise of his authority as Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.
4. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Chief Antonio Conte, or any successor, from

exercising his authority as the Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.

5. A temporary and permanent injunction, without bond, commanding the Defendants to abide by and comply with the Charter amendments of November 6, 2012, as they pertain to the fire service in the City of Stamford.

As to the Second Count:

1. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from performing investigations into the cause and origin of fires and other emergency incidents in the volunteer fire service districts.
2. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from performing investigations into the cause and origin of fires and other emergency incidents independently of Plaintiff Fire Marshal Barry Callahan (or any successor).
3. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety

and fire prevention code compliance inspections as mandated by state law, in the volunteer fire service districts.

4. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety and fire prevention code compliance inspections as mandated by state law, independently of Plaintiff Fire Marshal Barry Callahan (or any successor).
5. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives pertaining to fire marshal services that Plaintiff Fire Marshal Barry Callahan, or any successor, may issue in the exercise of his authority as Fire Marshal for the entire City of Stamford, including the volunteer fire service districts.
6. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from otherwise interfering with or preventing Plaintiff Fire Marshal Barry Callahan, or any successor, from exercising his authority as the Fire Marshal of the Fire Department for the entire City of Stamford, including the volunteer fire service districts.

7. A temporary and permanent injunction, without bond, commanding the Defendants to abide by and comply with the Charter amendments of November 6, 2012, as they pertain to the fire marshal function.

As to the Third Count:

1. A temporary and permanent injunction, without bond, ordering the Defendants TRFD, LRFC and SFCo to provide forthwith to Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski rosters of their respective members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member.
2. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from disregarding, ignoring, or failing to comply with any directives Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski, or any successor, may issue in the future in the exercise of his authority as said Director for the entire City of Stamford, including the volunteer fire service districts.
3. A temporary and permanent injunction, without bond, prohibiting and restraining the Defendants from interfering with or preventing Plaintiff Director of Public Safety, Health and Welfare

Thaddeus Jankowski, or any successor, from exercising his authority as said Director for the entire City of Stamford, including the volunteer fire service districts.

4. A temporary and permanent injunction, without bond, commanding the Defendants to abide by and comply with the Charter of the City of Stamford as it pertains to the authority of the Director of Public Safety, Health and Welfare over the fire service function.

As to the Fourth Count:

1. A declaratory judgment adjudicating and declaring that pursuant to the Charter amendments Plaintiff Chief Antonio Conte (as well as his successors) is the Chief of the entire Department, including the volunteer fire departments and each of their respective members.
2. A declaratory judgment adjudicating and declaring that pursuant to the Charter amendments Plaintiff Chief Antonio Conte (as well as his successors), as Chief of the entire Department, including the volunteer fire departments and each of their respective members, is the Chief in charge of all fire fighting, emergency response, code compliance and fire/emergency investigation functions in every fire service district in the City of Stamford.
3. A declaratory judgment adjudicating and declaring that Plaintiff Chief Antonio Conte (as well as his successors) is legally authorized by the Charter amendments to direct, administer, supervise and discipline the entire Department, including each member of the volunteer fire departments.

4. A declaratory judgment adjudicating and declaring that Plaintiff Chief Antonio Conte (as well as his successors) is legally authorized by the Charter amendments to issue directives to the entire Department, including the volunteer fire departments, their chiefs, and their members.
5. A declaratory judgment adjudicating and declaring that Plaintiff Chief Antonio Conte (as well as his successors) was legally authorized by the Charter amendments to issue the directives dated February 25, 2013 and attached hereto as Exhibit A to the entire Department, including the volunteer fire departments, their chiefs, and their members.
6. A declaratory judgment adjudicating and declaring that pursuant to the Charter amendments Plaintiff Fire Marshal Barry Callahan (as well as his successors) is the Fire Marshal of the entire Department, including the volunteer fire departments and each of their respective members.
7. A declaratory judgment adjudicating and declaring that Plaintiff Fire Marshal Barry Callahan (as well as his successors) is legally authorized by the Charter amendments to direct, administer and supervise the fire marshal function for the entire Department, including the volunteer fire departments and each of their respective members.
8. A declaratory judgment adjudicating and declaring that Plaintiff Fire Marshal Barry Callahan (as well as his successors), or his designee, is the only fire marshal in the City of Stamford legally authorized to perform investigations into the cause and origin of fires and other emergency incidents.

9. A declaratory judgment adjudicating and declaring that Plaintiff Fire Marshal Barry Callahan (as well as his successors), or his designee, is the only fire marshal in the City of Stamford legally authorized to process building permit applications or perform inspections attendant to building permit applications or perform inspections into compliance with fire safety and fire prevention codes.
10. A declaratory judgment adjudicating and declaring that no fire marshal from any volunteer fire department is legally authorized to perform investigations into the cause and origin of fires and other emergency incidents.
11. A declaratory judgment adjudicating and declaring that no fire marshal from any volunteer fire department is legally authorized to process building permit applications or perform inspections attendant to building permit applications or perform inspections into compliance with fire safety and fire prevention codes.
12. A declaratory judgment adjudicating and declaring that Plaintiff Jankowski (as well as his successors) is legally authorized by the Charter of the City of Stamford to administer and supervise the entire Department, including the volunteer fire departments, their chiefs, and their members.

13. A declaratory judgment adjudicating and declaring that Plaintiff Jankowski (as well as his successors) is legally authorized by the Charter of the City of Stamford to issue directives to the entire Department, including the volunteer fire departments, their chiefs, and their members.
14. A declaratory judgment adjudicating and declaring that the Charter amendments are lawful, valid and constitutional under the U.S. and State constitutions.

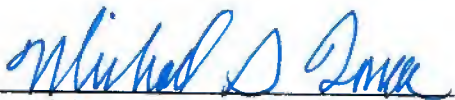
As to All Counts:

1. Taxable costs of suit.
2. Such other and further relief, both legal and/or equitable, as this Court deems just and proper.

Dated at Stamford, Connecticut, this 13th day of March, 2013.

THE PLAINTIFFS,
CITY OF STAMFORD,
ANTONIO CONTE,
BARRY CALLAHAN,
THADDEUS JANKOWSKI

JOSEPH J. CAPALBO, II
DIRECTOR OF LEGAL AFFAIRS

BY 
Michael S. Toma
Assistant Corporation Counsel
City of Stamford Law Department
888 Washington Boulevard
Stamford, CT 06904
Tel. (203) 977-5766
Juris No. 060795

PRACTICE BOOK §17-56(b) CERTIFICATION

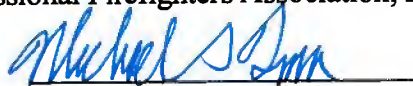
This is to certify that all persons who have an interest in the subject matter of the requested declaratory judgment that is direct, immediate and adverse to the interest of one or more of the plaintiffs in the action have been joined as parties to the action or have been given reasonable notice thereof, as follows:

On March 13, 2013, a copy of the foregoing summons and complaint was e-mailed to the Chief, John Didelot (jdid411@yahoo.com), and President, Steven Gladstone (steve@stonehollow.com), of Belltown Fire Department, Inc.

On March 13, 2013, a copy of the foregoing summons and complaint was e-mailed to Morris Busca, Esq., legal counsel for the Stamford Career Firefighters Association f/k/a Long Ridge Paid Drivers Association.

On March 13, 2013, a copy of the foregoing summons and complaint was e-mailed to Chief Ed Velez (ed_vez@glbrookfire.com) of the New Hope Fire Department, Inc. d/b/a Glenbrook Fire Department.

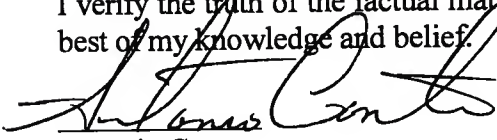
On March 13, 2013, a copy of the foregoing summons and complaint was e-mailed to Brendan Keatley, as President of the Stamford Professional Firefighters Association, Local 786.




Michael S. Toma
Commissioner of the Superior Court

VERIFICATION

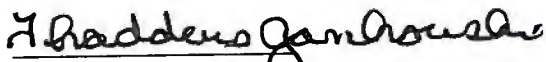
I verify the truth of the factual matters alleged in Counts One and Four of the foregoing complaint, to the best of my knowledge and belief.


Antonio Conte

I verify the truth of the factual matters alleged in Counts Two and Four of the foregoing complaint, to the best of my knowledge and belief.


Barry Callahan

I verify the truth of the factual matters alleged in Counts Three and Four of the foregoing complaint, to the best of my knowledge and belief.

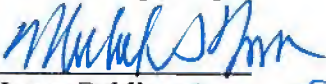

Thaddeus Jankowski

State of Connecticut)

) SS: Stamford

County of Fairfield)

On 3-12-13, personally appeared Antonio Conte and made oath to the truth of the matters contained in the foregoing complaint, before me.


~~Notary Public~~ Comm. of Superior Ct

State of Connecticut)

) SS: Stamford

County of Fairfield)

On 3-12-13, personally appeared Barry Callahan and made oath to the truth of the matters contained in the foregoing complaint, before me.


~~Notary Public~~ Comm. of Superior Ct

State of Connecticut)

) SS: Stamford


County of Fairfield)

On 3-12-13, personally appeared Thaddeus Jankowski and made oath to the truth of the matters contained in the foregoing complaint, before me.


~~Notary Public~~ *Comm. of Superior Ct*

CERTIFICATION

This is to certify that I have personal knowledge of the financial responsibility of the plaintiffs and the same is sufficient to pay the costs of this action.



Michael S. Toma
Commissioner of the Superior Court

Exhibit A

LEGAL

unless the Chief of Police certifies the member has the same psychological and physical requirements, education, and training as a member of the regular police force. There shall not at any time be more than two hundred special police unless otherwise provided by the Board of Representatives at the request of the Mayor. The terms of the special police shall not extend beyond the next June 30th after the term of the Mayor during whose terms they were appointed.¹⁷

¹⁷Editor's Note - This subsection was amended by Res. No. 2463, adopted 9-3-1997, in order to correct a scrivener's error by restoring the original language.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(c) Powers and Duties of Members of the Regular Police. Sworn regular members of the Police Department shall have all the powers of peace officers under the general laws of the State. They shall also have power to arrest any person found by them violating any of the penal ordinances of the City or laws of the State, and to take such person before the proper judge, which person shall be dealt with in the same manner as if he had been arrested upon a warrant duly issued by such judge. They shall report, under regulations to be prescribed by the Chief, violations of law or ordinances coming to their knowledge in any way. They shall also execute any warrant for search or arrest issued by any judge of the State in any part of the State according to the tenor thereof. They shall perform such other duties as may be assigned to them by the Chief. Any member of the Police Department may serve: (Referendum 11-7-1995)

(1) Any criminal process for any offense committed within the City; (Referendum 11-7-1995)

(2) Any process to recover or to enforce any penalty for the violation of any municipal ordinance issued out of any court, or judge; (Referendum 11-3-1987)

(3) Any process, subpoena or bench warrant, relating to any offense committed in the City; and (Referendum 11-7-1995)

(4) Any process or subpoena issued by the State Medical Examiner in any inquest held in the City relative to the death of any person. (Referendum 11-7-1995)
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-40-3. - Fire[and Rescue] Department.

(a) There shall be a Fire Department for the City of Stamford ("Department").

[(a)][b] Powers and Duties of the Fire[and Rescue] Chief. The Chief of the Fire[and Rescue] Department shall be responsible for:

(1) The administration, supervision and discipline of the Fire[and Rescue] Department in accordance with Sections C6-140-8 and C6-140-9; (Referendum 11-7-1995)

(2) The proper care and custody of the property, apparatus and equipment [used by] of the Department; (Referendum 11-8-1977; Referendum 11-3-1987)

(3) Establishing proper fire fighting techniques; (Referendum 11-8-1977; Referendum 11-3-1987)

(4) The inspection of all buildings and constructions under the Chief's jurisdiction, the issuing of restraining orders when necessary in the interest of public safety and the closing of any building or construction if the Fire Marshal considers it to be a hazard; (Referendum 11-7-1995)

(5) Making recommendations on all appointments and promotions of [sworn] career members which are made by the Fire Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(6) Assignment of all members of the Department to their respective posts, shifts, details and duties; (Referendum 11-8-1977; Referendum 11-3-1987)

(7) Making rules and regulations concerning the operation of the Department and the conduct of all [officers and employees thereof] members of the Department subject to approval by the Fire Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(8) Conducting investigations and hearings relating to any charge, made in writing by a person against any sworn member of the Department, concerning an act in Section C6-140-8; (Referendum 11-7-1995)

(9) Establishing procedures for the filing and recording of all complaints and the disposition thereof; (Referendum 11-8-1977; Referendum 11-3-1987)

(10) Attending all meetings of the Fire Commission as a non-voting ex-officio member, except for Commission proceedings relating to [employee] member appeals from disciplinary action or appeals or hearings relating to complaints against the Department or the Chief; (Referendum 11-8-1977; Referendum 11-3-1987)

(11) Administering oaths and taking evidence, affidavits and acknowledgments and issuing subpoenas in all proceedings relating to the Fire[and Rescue] Department; (Referendum 11-7-1995)

(12) Conducting disciplinary hearings; and (Referendum 11-8-1977; Referendum 11-3-1987)

(13) Administratively suspending or disciplining members of the Department with or without compensation for the good of the City, Department, or member. (Referendum 11-8-1977; Referendum 11-3-1987)
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

[(b)][c] Members of the Department. All members of the [regular] Fire[and Rescue] Department shall hold office during good behavior. All appointments to the [regular fire force] Department shall be made in accordance with the provisions of this Charter. (S.A. No. 550, 1951; S.A. No. 431, 1953; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(d) Assistant Chiefs. Their shall be two Assistant Chiefs

of the Stamford Fire Department, an Assistant Chief for Career Service Firefighters and an Assistant Chief for Volunteer Service Firefighters. Both Assistant Chiefs shall be appointed by the Fire Chief. The Assistant Chief for Career Services shall be selected from the ranks of the career service firefighters. The Assistant Chief for Volunteer Services shall be selected from a pool of three nominees nominated by a majority vote of the Chiefs of the volunteer fire companies of Stamford. All nominees must have a minimum of ten (10) years firefighter experience, with at least five (5) years of supervisory experience.

[(c)][e] Fire Marshal. There shall be a Fire Marshal of the [regular] Fire[and Rescue] Department who shall be certified by the State Fire Marshal and who shall be appointed by the Fire Commission in accordance with the provisions of this Charter. The Fire Marshal shall have all the powers conferred by ordinance on a local Fire Marshal or by the General Statutes. (S.A. No. 635, 1955; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

[(d)] Jurisdiction. The services of the Fire and Rescue Department under the control of the Chief shall be limited to the City Fire Service District, except in the case of an emergency. [(f)] Volunteer Fire Companies. The volunteer fire companies of Stamford shall be part of the Stamford Fire Department and will be important components of the Stamford Fire Department. The perpetuation and strengthening of those volunteer companies through recruitment of volunteer firefighters shall be a priority of the Fire Chief and the Assistant Chief for Volunteer Services. Nothing in this Charter shall be construed to affect the organization, status or property of the [Volunteer Departments] volunteer fire companies of Stamford except that they are now part of the combined Stamford Fire Department and subject to the provisions of this Charter.

[(g)] Volunteer Fire Company Chiefs. The Chiefs of the volunteer fire companies of Stamford shall have primary firefighting responsibilities in their Fire Service Districts and primary responsibilities over the personnel and equipment assigned to their Fire Service Districts, subject to the supervision and direction of the Assistant Chief of Volunteer Services and the Fire Chief.

[(h)] Fire Service Districts. The Fire Service Districts within the City of Stamford are indicated on the map of Fire Service Districts, prepared by the City Engineer, dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City and shall delineate the fire service boundaries of the [respective regular and Volunteer Fire Departments] volunteer fire companies. Changes in Fire Service Districts may be made by ordinance adopted by a two-thirds' vote of the total membership of the Board of Representatives with the advice of the [City Fire and Rescue Chief and the respective Chief of the Volunteer Fire Department affected] Fire Chief. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-40-4. - The Director of Health.

(a) Powers and Duties of the Director of Health. The Director of Health shall: (Referendum 11-7-1995)

(1) Have all the powers and duties of a local health director as prescribed by the Public Health Code and the General Statutes; (Referendum 11-8-1977; Referendum 11-3-1987)

(2) Investigate and assist in the enforcement of the State Public Health Code and all applicable ordinances of the City designed to promote and protect the health of citizens; (Referendum 11-8-1977; Referendum 11-3-1987)

Exhibit B

1.1 Stamford Fire Department/Fire Service Directives

2.0 Firefighting Procedures – Emergency Response Protocols

2.1 Two-In-Two-Out Standard (See Directive 2.1, Supplement 1)

2.2 Medical Emergency Response

2.3 Structure Fire Response - Signal 23

2.4 Incident Command

If the appropriate District Volunteer Chief is not on the scene of an incident within his/her district, Unit 4 will assume the position of Incident Commander until the arrival of the District Chief. On arrival of the District Chief, at his/her discretion, he/she may assume the role of the Incident Commander. Unit 4 will then assume the position of Operations Chief.

**The City of Stamford • Office of Public Safety
Stamford Fire Department/Fire Service Directive
February 25, 2013**

2.5 Accountability (See Directive 2.5, Supplement 2)

2.6 Rosters of Fire Department Members

All District Volunteer Chiefs are to provide rosters of their active certified firefighters to Fire Chief Antonio Conte.

The rosters are to include up to date certifications, training records, physicals, respiratory fit testing and emergency notification information.

These rosters are due in The Stamford Fire Chief's Office no later than 0900 hours on Monday, March 04, 2013.

INTERIM DIRECTIVES RELATING TO THE FIRE MARSHAL'S OFFICE

2.7 Fire Marshal Duties

- 1) The City's Fire Marshal or his designee will respond to all fires that occur in the Volunteer Fire Districts, and the City's Fire Marshal shall jointly work with the Volunteer District's Fire Marshal to determine the nature of the fire.
- 2) The two fire marshals shall work cooperatively to determine the cause and origin of the fire. At the conclusion of the investigation, one report shall be prepared by the Volunteer District's Fire Marshal, but the City's Fire Marshal or his designee shall approve the report and endorse his/her name thereto.
- 3) In case of any fire that occurs within the City of Stamford, the City's Fire Marshal and/or Volunteer Fire Marshal may, in their discretion, request the assistance of the State Fire Marshal's Office.
- 4) For ALL Fire Districts throughout the City Of Stamford any other activities will be notified and coordinated through the City Of Stamford Office of the Fire Marshal.

These responsibilities include, but are not limited to: plan reviews, occupancy inspections, certificate of occupancy sign-offs, public fire safety education, and any other duties related to the Fire Marshal's Office.

Phone: 203.977.4651 Fax: 203.977.5475

By Order of: **Antonio J. Conte**, Chief of Stamford Fire Department



STAMFORD FIRE DEPARTMENT Fire Service Procedures

[Directive 2.5, Supplement 2]

PERSONNEL ACCOUNTABILITY SYSTEM

SOG ID: SAF-Accountability

Date Updated: January 10, 2013

Scope: This SOG applies to all personnel of the Stamford Fire Department.

Purpose: To provide a framework for managing accountability of personnel at emergency incidents.

PAS Tags

All personnel of the Stamford Fire Department will be issued Personal Accountability Tags. Each member shall be responsible for the care, use, and placement of their tag at all times. Tags shall be maintained on the small carabiner that was issued with the tag (do not replace with a large carabiner, clip, ring, etc. as they are cumbersome when the tags are collected and placed on an accountability board). No other tag, card, paper, or any other item is to be attached to the tag/carabiner. The only approved exception to this are the cards used by divers indicating their equipment sizes/preferences and the line signal "cheat" cards.

Each member on duty (career or volunteer) shall place their PAS Tag on the PAS ring on the apparatus they are assigned to ride for any given shift or period of time. The Officer (this shall also be taken to mean a person acting in the capacity of the unit officer throughout this document) shall check the ring to ensure that each crew members tag is attached to the ring and that no tags of personnel not assigned to the unit are present. Unit PAS rings **must be kept current at all times without exception!**

If a crew member will not be responding on their assigned apparatus for any reason and for any amount of time their PAS Tag must be removed. If crew members are swapped between units, or if a member is away from the unit (such as being sent out for supplies, medical reasons, etc.) they must remove their tag prior to departing the station. Any member responding on any apparatus for any call **MUST** have their tag on the apparatus ring.

The PAS Tag system is the department's final accountability system in case of a firefighter air emergency, collapse, lost or trapped firefighter, etc. and must be kept up to date at all times. SFD has a zero-tolerance policy regarding non-conformity to this system. Each member of the department, regardless of station or assignment, is fully responsible to adhere to this system at all times. Each Officer in the department is responsible to monitor and verify compliance with this system at all times. If there are personnel changes during the shift, the Officer must verify that the tag of the member going off duty or leaving the station is removed and the tag of the member assuming that riding position is placed in the proper place.

STAMFORD FIRE DEPARTMENT
PERSONAL ACCOUNTABILITY SYSTEM

Spare accountability tags shall be maintained in each Company or Department office for use in the event that a member loses or forgets his/her tag.

Accountability Sheets

An up to date "full shift accountability sheet" shall be carried on each career apparatus at all times. It is the responsibility of the Officer in charge of each unit to ensure that this sheet is on the apparatus and up to date. This sheet will serve as the initial accountability roster for on-duty personnel at any emergency incident. All units are required to carry one so that they are available to the Incident Commander, Incident Safety Officer(s), and RIT Team Commander. In the event of a second structure fire or other major incident the Officers filling these positions will also have access to accountability sheets. A link to print these sheets is located on the SFRD Intranet.

Officers in charge of volunteer units shall ensure that an accountability sheet is created and maintained for each volunteer unit for the duration of time that they are in service. This sheet shall be amended as necessary as personnel make themselves available or unavailable to respond on any given unit. This sheet must be accurate and up to date upon arrival at any incident. It is acceptable for this sheet to be handwritten.

PAS Tag Collection

The accountability sheets will be used at incidents as the initial method of accounting for all personnel operating in a hazardous environment. If emergency accountability becomes necessary however, the PAS Tags must be used in conjunction with the sheet to verify that a member who may not have answered a roll call is not in fact off of the unit on an errand or for similar reasons.

PAS Tags for first due units will be collected by the appropriate career or volunteer Accountability Officer(s) as soon as practical. **Officers of units arriving on the scene other than first due should bring their units' tag ring to the command post when reporting to the IC for assignment** (unless operational assignments or geographical considerations render this impractical).

Career Accountability Officer

The Deputy Chief's Aide will serve as the Career Accountability Officer (CAO) and will ultimately be responsible for ensuring collection of the PAS Ring from each career apparatus on the scene of an incident and affixing them to the PAS Tag Board. **However, the responsibilities of the DC Aide relating to communications, set-up of the command post, setting-up and maintaining the command board, running tactical worksheets, and, most importantly, performing a full 360 degree scene survey must take precedence early in the incident over tag collection.** Accordingly, the Officer of each apparatus should report to the command post with the tag ring for their unit whenever possible.

Volunteer Accountability Officer

The District Assistant Chief, or his/her designee, will serve as the Volunteer Accountability Officer (VAO) and will ultimately be responsible for ensuring collection of the PAS Ring from each volunteer apparatus on the scene of an incident and affixing them to the PAS Tag Board. The volunteer accountability officer shall also be responsible for the accountability and coordination of all volunteer members who respond that are not part of a full crew. Any member or members who respond that are not part of a full crew will report directly to the VAO. The VAO will assemble these members into a crew with an Officer (or designated crew leader in the absence of an Officer). When the VAO has assembled a full firefighting crew he/she shall direct them to report to the Incident Commander. The VAO shall also be responsible for the accountability and coordination of any member who responds to an incident who is not certified to enter a structure including, but not limited to, junior or probationary members. Such members will remain under the control of the VAO who will coordinate with the IC to assign them exterior or ancillary tasks within the limits of their capabilities and appropriate state statutes.

DRAFT ORDER Request

March 3, 2013

Barbara – the following order(s), thank you.

Effective Tuesday, February 26, 2013 @ 0800 hours for all Stamford Fire (Rescue) Units:

Directive 2.3 Structure Fire Response – Signal 23.

When units respond to a reported structure fire with less than 4 certified firefighters (an Officer and 3 Firefighters), they will notify Fire Dispatch with a “SIGNAL 23.”

When a “SIGNAL 23” is transmitted, Fire Dispatch will assign another unit, as necessary, in order to ensure that enough certified manpower arrives on scene as is appropriate for the incident.

The proper number of units for an incident, with either Engine 8 and/or Engine 9 assigned, has already been factored into the recommended response, and no further adjustments will be needed.

**Thank you,
wjsiii**

Exhibit C

Toma, Michael

From: Capalbo, Joseph
Sent: Wednesday, January 30, 2013 4:16 PM
To: Toma, Michael; Cooper, Vikki
Subject: Fwd: Fire Service

See below

Joe

Sent from my iPhone

Begin forwarded message:

From: "Mark J. Kovack" <mkovack@bmdlaw.com>
Date: January 30, 2013, 3:09:26 PM EST
To: "Capalbo, Joseph" <JCapalbo@ci.stamford.ct.us>
Subject: RE: Fire Service

Joe:

The ex parte injunction was denied. A status conference is scheduled for 3/4 at 9:30 AM. My clients reserve all rights to challenge and do not accept the claimed appointment of Callahan as City-wide Fire Marshal.

Mark J. Kovack
BERCHEM, MOSES & DEVLIN, P.C.
27 Imperial Avenue
Westport, CT 06880
Direct Dial (203) 571-1713
Cell (203) 837-7634
General (203) 227-9545
Fax (203) 226-1641

CONFIDENTIALITY NOTICE: This email transmission (and/or the attachments accompanying it) may contain legally privileged and confidential information, and is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any dissemination, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please promptly notify the sender by reply email and destroy the original message.

IRS CIRCULAR 230 DISCLOSURE: Although this written communication may address certain tax issues, it is not a reliance opinion as described in IRS Circular 230 and, therefore, it cannot be relied upon by itself to avoid any tax penalties. If you would like a reliance opinion letter, please contact us and we will discuss our procedures for preparing one. Thank you.

From: Capalbo, Joseph [<mailto:JCapalbo@ci.stamford.ct.us>]
Sent: Wednesday, January 30, 2013 9:52 AM
To: Mark J. Kovack
Cc: Toma, Michael; Cooper, Vikki
Subject: Fire Service

Mark;

Exhibit D

City of Stamford



OFFICE OF PUBLIC SAFETY HEALTH AND WELFARE

FIRE DEPARTMENT/FIRE SERVICE

DIRECTIVES



**The City of Stamford • Office of Public Safety
Fire Department/Fire Service Directives
December 21, 2012**

Message from the Director of Public Safety, Health and Welfare

As a result of Charter Revision, the residents of Stamford voted to create a single Fire Department composed of career and volunteer firefighters. This is the mandate that we are working to complete.

To achieve this goal all firefighters must show a commitment to work together for the safety of the citizens and visitors of Stamford. True commitment requires all firefighters to be dedicated to improving service to the community while maintaining a positive, safe and effective work environment.

The mission of the Fire Service is to protect the lives and property of the City of Stamford's residents and visitors and to serve the community with the highest quality fire, rescue, medical and emergency services, utilizing highly trained and dedicated firefighting personnel.

Each member of the fire service must accept the responsibility associated with this mission by delivering quality service, and cultivating change and improvements. It demands dedication to focusing on the best interests of the fire service and the public served. This requires a high level of commitment by all involved.

Being a firefighter in the City of Stamford is an honor. Members must commit to respect each other, to work together, to be a team of professionals, to strive to be the best, to constantly improve, and to take care of each other. Leadership and dedication are critical in moving forward, to maintain high standards of performance.

Our responsibility is to protect life and property and serve the community with honor and integrity. The Fire Service is evolving and we must be committed to making positive and healthy fire service changes for public and firefighter safety. We must cultivate the mindset to recognize this change not as a problem, but as an opportunity to work together to develop a fire service that will be the model for all other municipalities to follow.

The Fire Department/Fire Service Directives and other official documents are intended to provide formal communication and direction for the fire service. A copy shall be posted conspicuously in each fire station and read by all members. Chief Officers are responsible to ensure that all members under their command are held accountable for the Directives. Directives are in full force unless officially rescinded by the Office of Public Safety, Health and Welfare.

Respectfully,

Thaddeus K. Jankowski

Director of Public Safety, Health and Welfare



**The City of Stamford • Office of Public Safety
Fire Department/Fire Service Directive No. 1
December 21, 2012**

1.1

FIRE SERVICE GUIDING VALUE PRINCIPLES

All Firefighters and Officers shall abide by the following Fire Service Guiding Value Principles:

- Deliver services with impartiality and excellence
- Promote the highest standards of safety and welfare
- Serve with integrity and mutual respect
- Recognize the importance of diversity of our workforce and communities
- Promote the efficient and effective utilization of our resources, and ensure that all organizations and personnel comprising the Stamford Fire Department share the responsibility for continuously improving their capabilities, effectiveness, and efficiency
- Be responsible for the honor of the firefighting profession and public service
- Promote equity and harmony among volunteer and career personnel
- Maintain and promote open honest communication, creativity, and competence
- Be accountable and ethical
- Continuously improve public confidence and trust

2.0

Interim Firefighting Procedures – Emergency Response Protocols

For the protection, health and safety of the residents and firefighters of the City of Stamford the interim procedures issued and dated December 7, 2012 for the fire service are in effect. All Chief Officers shall take steps to ensure compliance with the interim procedures.

2.1 Two-In-Two-Out Standard

All fire personnel are to abide by the Occupational Safety and Health Administration, Code of Federal Regulations, Part 1910, Subpart 1, Standard 134 (29CFR1910.134(g)(3&4)), commonly referred as the Two in Two Out Regulation.



**The City of Stamford • Office of Public Safety
Fire Department/Fire Service Directive No. 1
December 21, 2012**

2.2 Medical Emergency Response

Minimum staffing levels required for a medical emergency response is at least 2 certified (Firefighter I) firefighters. One firefighter must possess a current and valid State of Connecticut EMR certification. The responding unit must be properly equipped with all necessary items to include oxygen and an automatic defibrillator. The responding unit will sign on notifying dispatch "responding staffed and equipped". Dispatch may clear other fire units if necessary.

2.3 Structure Fire Response - Signal 23

When units respond to a reported structure fire with less than 3 certified firefighters (an Officer and 2 Firefighters), they will notify dispatch with a Signal 23.

When a Signal 23 is transmitted, Fire Dispatch will assign another unit as necessary in order to ensure that enough certified manpower arrives on scene as is appropriate for the incident.

2.4 Incident Command

A District Chief may assume Incident Command for incidents within their appropriate Fire District.

If the appropriate District Chief is not on the scene of an incident within his/her district, Unit 4 will assume the position of Incident Commander until the arrival of the District Chief. On arrival of the District Chief, at his/her discretion, he/she may assume the role of the Incident Commander. Unit 4 will then assume the position of Operations Chief.

2.5 Accountability

- The first arriving unit will provide a proper size-up by radio to fire dispatch.
- Units are to report in to the Incident Commander for an assignment.
- A Volunteer District Chief or his designee shall be on call to respond to structure fires and major emergencies within the volunteer districts to fill the position of Volunteer Accountability Officer (VAO). The Career Accountability Officer (CAO) is designated by Unit 4. The Accountability Officers will report to the Incident Commander and coordinate all accountability related issues including tag collection and member accountability roll calls.
- Volunteer Firefighters arriving in personally owned vehicles (POV'S) shall report to the command post and await assignment.



**The City of Stamford • Office of Public Safety
Fire Department/Fire Service Directive No. 1
December 21, 2012**

- The Officer of the Career firefighting unit will bring their accountability tags to the Career Accountability Officer (CAO). The Officer of the Volunteer firefighting unit will bring their accountability tags to the Volunteer Accountability Officer (VAO).
- In the absence of the Volunteer Accountability Officer, Volunteer Officers will bring the accountability tags to the Incident Commander who will work with the Accountability Officer on scene.
- The company officer will then report to the Incident Commander for assignment.

2.6 Rosters of Fire Department Members

All Chiefs are to provide rosters of their active certified firefighters to the Director of Public Safety, Health and Welfare's Office. The rosters are to include up to date certifications, training records, physicals, respiratory fit testing and emergency notification information.

2.7 Fire Marshal Duties

Any incident, situation or event requiring the services of a Fire Marshal in the Long Ridge or Turn of River Fire Service Districts shall also require the response of a City Fire Marshal.

By Order of: **Thaddeus K. Jankowski**, *Director of Public Safety, Health and Welfare*

| | |
|--|---|
| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
| CALLAHAN AND THADDEUS | : |
| JANKOWSKI | : |
| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH <u>13</u>, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

CERTIFICATION PURSUANT TO PRACTICE BOOK SECTION 4-5

Pursuant to Practice Book §4-5, this is to certify that on March 12, 2013, each of the defendants was informed via e-mail that the plaintiffs intended to file with the Superior Court, at 123 Hoyt Street, Stamford, on March 13, 2013 at noon, an Application for Ex Parte Temporary Injunction, Summons and Verified Complaint, Proposed Order for Ex Parte Temporary Injunction, Proposed Order to Show Cause, Proposed Order of Service, unsigned summons, Proposed Post-hearing Temporary Injunction, and proposed Bond. The e-mail so informing the defendants is attached hereto as Exhibit A, and it reflects that notice was sent to:

- Defendant Turn of River Fire Department c/o Chief Frank Jacobellis (chief@trfd.com) and Assistant Chief Matthew Maounis ([mmaounis@accesssecurities.com](mailto:mmounis@accesssecurities.com))
- Defendant Long Ridge Fire Company c/o Chief Stuart Teitelbaum (chief@longridgefire.com)

- Defendant Springdale Fire Company c/o Chief Shawn Fahan (sfco511@aol.com)
- Defendant Chief Frank Jacobellis (chief@trfd.com)
- Defendant Chief Stuart Teitelbaum (chief@longridgefire.com)
- Defendant Chief Shawn Fahan (sfco511@aol.com)
- Defendant Fire Marshal Antonio Olive, Jr. (lrfc710@gmail.com)
- Defendant Fire Marshal Peter Bernstein (ashman175@aol.com; PBernstein@ci.stamford.ct.us)
- Attorney Mark Kovack (mkovack@bmdlaw.com) as legal counsel for the above-listed corporations and individuals

A copy of the Application for Ex Parte Temporary Injunction, Verified Complaint, Proposed Order for Ex Parte Temporary Injunction, Proposed Order to Show Cause, Proposed Order of Service, unsigned summons, Proposed Post-hearing Temporary Injunction, and proposed Bond was made an attachment to the e-mail.

In addition to providing notice directly to each defendant as outlined above, the undersigned also provided notice via e-mail to Mark Kovack, Esq. The undersigned is aware that Mark Kovack, Esq. is legal counsel to the defendants, because he filed on their behalf, on or about January 29, 2013, a legal action against the City of Stamford seeking injunctive relief, which bears the docket number FST-

CV-13-6016962; furthermore, Attorney Kovack, in his capacity as legal counsel for the defendants, has communicated with the undersigned's office up to and including the date of this certification.

A handwritten signature in blue ink, reading "Michael S. Toma", is written over a horizontal line.

Michael S. Toma
Commissioner of the Superior Court

Exhibit A

Toma, Michael

From: Toma, Michael
Sent: Tuesday, March 12, 2013 4:54 PM
To: Mark J. Kovack (mkovack@bmdlaw.com); 'chief@longridgefire.com'; 'sfco511@aol.com'; 'chief@trfd.com'; 'mmaounis@accesssecurities.com'; 'lrfc710@gmail.com'; 'ashman175@aol.com'; Bernstein, Peter
Subject: City of Stamford's application for ex parte injunctive relief
Attachments: City v TOR, et al application for ex parte injunction and assoc papers.pdf

To:

Turn of River Fire Department c/o Chief Frank Jacobellis (chief@trfd.com) and Assistant Chief Matthew Maounis (mmaounis@accesssecurities.com)
Long Ridge Fire Company c/o Chief Stuart Teitelbaum (chief@longridgefire.com)
Springdale Fire Company c/o Chief Shawn Fahan (sfco511@aol.com)
Chief Frank Jacobellis (chief@trfd.com)
Chief Stuart Teitelbaum (chief@longridgefire.com)
Chief Shawn Fahan (sfco511@aol.com)
Fire Marshal Antonio Olive, Jr. (lrfc710@gmail.com)
Fire Marshal Peter Bernstein (ashman175@aol.com; Bernstein, Peter PBernstein@ci.stamford.ct.us)
Attorney Mark Kovack (mkovack@bmdlaw.com) as legal counsel for the above-mentioned corporations and individuals

Please be advised that the City of Stamford, Chief Antonio Conte, Fire Marshal Barry Callahan and Director of Public Safety Thaddeus Jankowski intend to file the attached application for ex parte temporary injunction, verified complaint, proposed order for ex parte temporary injunction and associated papers tomorrow at noon at the Superior Court at 123 Hoyt Street, Stamford. The application for ex parte relief names each of you as defendants, and your rights may be affected by the Court's consideration of said application.

Michael S. Toma, Esq.
Assistant Corporation Counsel
City of Stamford
888 Washington Boulevard
Stamford, CT 06904
203-977-5766

| | |
|--|---|
| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
| CALLAHAN AND THADDEUS | : |
| JANKOWSKI | : |
| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH <u>13</u>, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

REQUEST FOR WAIVER OF BOND

Plaintiffs City of Stamford, Antonio Conte, Barry Callahan, and Thaddeus Jankowski hereby request that the Court waive any requirement that Plaintiffs post a bond in connection with their application for ex parte temporary injunction and/or temporary injunction, to which this request for waiver is attached, for the reason that the Plaintiffs are a municipality and three municipal officials. Each of the municipal officials brings suit in their capacities as government officials, and therefore the full resources of the City of Stamford are available to cover any damages accruing by reason of the issuance of the ex parte temporary injunction and/or temporary injunction.

THE PLAINTIFFS



Michael S. Toma

RETURN DATE: APRIL 16, 2013 : **SUPERIOR COURT**

CITY OF STAMFORD, :
ANTONIO CONTE, BARRY :
CALLAHAN AND THADDEUS :
JANKOWSKI :
v. : **JUDICIAL DISTRICT OF STAMFORD/**
 : **NORWALK AT STAMFORD**

TURN OF RIVER FIRE DEPT., INC., :
LONG RIDGE FIRE COMPANY, INC., :
SPRINGDALE FIRE COMPANY, INC., :
FRANK JACOBELLIS, STUART :
TEITELBAUM, SHAWN FAHAN, : **MARCH __, 2013**
ANTONIO OLIVE, JR., AND PETER :
BERNSTEIN :

ORDER FOR EX PARTE TEMPORARY INJUNCTION

WHEREAS, the foregoing Application for Ex Parte Temporary Injunction having been considered by the Court, and it appearing for good cause shown that a temporary ex parte injunction should be issued without bond;

NOW, THEREFORE, BY AUTHORITY OF THE STATE OF CONNECTICUT, the defendants TURN OF RIVER FIRE DEPARTMENT, INC., LONG RIDGE FIRE COMPANY, INC., SPRINGDALE FIRE COMPANY, INC., FRANK JACOBELLIS, STUART TEITELBAUM, SHAWN FAHAN, ANTONIO OLIVE, JR., AND PETER BERNSTEIN, are hereby commanded and strictly enjoined under penalty of law, henceforth and until further order of the Superior Court, from:

1. Disregarding, ignoring, or failing to comply with the directive of Chief Antonio Conte to produce rosters of their respective members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member;
2. Disregarding, ignoring, or failing to comply with Plaintiff Antonio Conte's duly issued directives dated February 25, 2013;
3. Disregarding, ignoring, or failing to comply with any directives Plaintiff Antonio Conte, or any successor, may issue in the future in the exercise of his authority as Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts;
4. Interfering with or preventing Plaintiff Chief Antonio Conte, or any successor, from exercising his authority as the Chief of the Fire Department for the entire City of Stamford, including the volunteer fire service districts;
5. Disregarding the Charter amendments of November 6, 2012, as they pertain to the fire service in the City of Stamford;
6. Interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from performing investigations into the cause and origin of fires and other emergency incidents in the volunteer fire service districts;

7. Performing investigations into the cause and origin of fires and other emergency incidents independently of Plaintiff Fire Marshal Barry Callahan (or any successor);
8. Interfering with or preventing Plaintiff Fire Marshal Barry Callahan (or any successor) or his designee from reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety and fire prevention code compliance inspections as mandated by state law, in the volunteer fire service districts;
9. Reviewing and approving permit applications for the use of buildings or structures, as well as the performing of inspections relating to said permit applications, as well as fire safety and fire prevention code compliance inspections as mandated by state law, independently of Plaintiff Fire Marshal Barry Callahan (or any successor);
10. Disregarding, ignoring, or failing to comply with any directives pertaining to fire marshal services that Plaintiff Fire Marshal Barry Callahan, or any successor, may issue in the exercise of his authority as Fire Marshal for the entire City of Stamford, including the volunteer fire service districts;
11. Interfering with or preventing Plaintiff Fire Marshal Barry Callahan, or any successor, from exercising his authority as the Fire Marshal of the Fire Department for the entire City of Stamford, including the volunteer fire service districts;

12. Disregarding the Charter amendments of November 6, 2012, as they pertain to the fire marshal function;
13. Failing to provide forthwith to Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski rosters of their respective members showing the level of fire fighting and emergency response certification, training records, physicals, respiratory fit testing and emergency notification information for each member;
14. Disregarding, ignoring, or failing to comply with any directives Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski, or any successor, may issue in the future in the exercise of his authority as said Director for the entire City of Stamford, including the volunteer fire service districts;
15. Interfering with or preventing Plaintiff Director of Public Safety, Health and Welfare Thaddeus Jankowski, or any successor, from exercising his authority as said Director for the entire City of Stamford, including the volunteer fire service districts;
16. Failing to comply with the Charter of the City of Stamford as it pertains to the authority of the Director of Public Safety, Health and Welfare over the fire service function.

Dated at Stamford, Connecticut, as of this _____ day of March, 2013.

THE COURT

By _____
Judge / Assistant Clerk

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| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
| CALLAHAN AND THADDEUS | : |
| JANKOWSKI | : |
| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH __, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

ORDER TO SHOW CAUSE

WHEREAS, the foregoing complaint and prayer and application for a temporary injunction, duly verified, has been presented to the Court; and,

WHEREAS, upon application of the plaintiffs, it appears that an order should be issued directing the defendants in this action to appear before this Court to show cause why a temporary injunction should not issue.

NOW, THEREFORE, it is hereby ORDERED that the defendants be summoned to appear before the Superior Court for the Judicial District of Stamford/Norwalk at Stamford, 123 Hoyt Street, Stamford, Connecticut, 06905, on _____, 2013 at _____ A.M., then and there to

show cause why a temporary injunction should not issue against them as prayed for in the foregoing verified complaint and application.

THE COURT

By _____
Judge / Assistant Clerk

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|--|---|
| RETURN DATE: APRIL 16, 2013 | : SUPERIOR COURT |
| CITY OF STAMFORD, | : |
| ANTONIO CONTE, BARRY | : |
| CALLAHAN AND THADDEUS | : |
| JANKOWSKI | : |
| v. | : JUDICIAL DISTRICT OF STAMFORD/ NORWALK AT STAMFORD |
| TURN OF RIVER FIRE DEPT., INC., | : |
| LONG RIDGE FIRE COMPANY, INC., | : |
| SPRINGDALE FIRE COMPANY, INC., | : |
| FRANK JACOBELLIS, STUART | : |
| TEITELBAUM, SHAWN FAHAN, | : MARCH __, 2013 |
| ANTONIO OLIVE, JR., AND PETER | : |
| BERNSTEIN | : |

ORDER OF SERVICE

TO ANY PROPER OFFICER:

By authority of the State of Connecticut, you are hereby commanded to give notice of the foregoing application for temporary injunction to the defendants in the above-captioned action, TURN OF RIVER FIRE DEPARTMENT, INC., LONG RIDGE FIRE COMPANY, INC., SPRINGDALE FIRE COMPANY, INC., FRANK JACOBELLIS, STUART TEITELBAUM, SHAWN FAHAN, ANTONIO OLIVE, JR., AND PETER BERNSTEIN, by serving upon them, in the manner provided by statute for the service of process, a true and attested copy of the foregoing writ, summons, verified complaint, application, order to show cause, proposed temporary injunction, proposed bond, and of this citation on or before _____ and make return to this court.

Dated at Stamford, Connecticut, this _____ day of March, 2013.

THE COURT

BY _____
Judge/Assistant Clerk

RETURN DATE: APRIL 16, 2013 : SUPERIOR COURT

CITY OF STAMFORD, :
ANTONIO CONTE, BARRY :
CALLAHAN AND THADDEUS :
JANKOWSKI :
v. : JUDICIAL DISTRICT OF STAMFORD/
NORWALK AT STAMFORD

TURN OF RIVER FIRE DEPT., INC., :
LONG RIDGE FIRE COMPANY, INC., :
SPRINGDALE FIRE COMPANY, INC., :
FRANK JACOBELLIS, STUART :
TEITELBAUM, SHAWN FAHAN, : MARCH __, 2013
ANTONIO OLIVE, JR., AND PETER :
BERNSTEIN :

SUMMONS

TO ANY PROPER OFFICER:

By authority of the State of Connecticut, you are hereby commanded to summon the defendants in the above-captioned action, TURN OF RIVER FIRE DEPARTMENT, INC., LONG RIDGE FIRE COMPANY, INC., SPRINGDALE FIRE COMPANY, INC., FRANK JACOBELLIS, STUART TEITELBAUM, SHAWN FAHAN, ANTONIO OLIVE, JR., AND PETER BERNSTEIN, to appear before the Superior Court for the Judicial District of Stamford/Norwalk at Stamford, 123 Hoyt Street, Stamford, Connecticut, at the place and time specified in the foregoing Order to Show Cause, then and there to show cause why temporary injunction should not be issued against them as prayed for in the foregoing verified complaint and application, by serving in the manner provided by statute for the

service of process a true and attested copy of the foregoing writ, summons and verified complaint, application for ex parte temporary injunction, order for ex parte temporary injunction, order to show cause, order of service, certification pursuant to Practice Book §4-5, proposed temporary injunction, proposed bond, and this summons on the defendants on or before _____, 2013 (or at least six (6) days before the hearing date).

Herefor, fail not but do service and return make.

Dated at Stamford, Connecticut, this _____ day of March, 2013.

Michael S. Toma
Commissioner of the Superior Court